

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DIANNE MARTRAY,	)	
	)	
Plaintiff,	)	Case No. 2:16-cv-1363
	)	
v.	)	Chief Judge Joy Flowers Conti
	)	Magistrate Judge Lisa Pupo Lenihan
TRANSAMERICA PREMIER LIFE	)	
INSURANCE COMPANY, <i>formerly</i>	)	ECF No. 3
<i>known as</i> MONUMENTAL LIFE	)	
INSURANCE COMPANY,	)	
	)	
Defendant.	)	

**MEMORANDUM ORDER**

The complaint in the above-captioned case was received by the Clerk of Court on September 2, 2016, and was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The magistrate judge's Supplemental Report and Recommendation (ECF No. 17), filed on December 28, 2016, recommended that the Motion to Dismiss (ECF No. 3) filed by Defendant Transamerica Premier Life Insurance Company be denied. Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections. No objections have been filed.

After a de novo review of the pleadings and documents in the case, together with the Supplemental Report and Recommendation, the following order is entered:

**AND NOW**, this 19th day of January, 2017,

**IT IS HEREBY ORDERED** that the Motion to Dismiss (ECF No. 3) filed by Defendant Transamerica Premier Life Insurance Company is **DENIED**.

**IT IS FURTHER ORDERED** that the Supplemental Report and Recommendation (ECF No. 17) of Magistrate Judge Lisa Pupo Lenihan, dated December 28, 2016, is adopted as the opinion of the Court.

/s/ Joy Flowers Conti  
Joy Flowers Conti  
Chief United States District Judge

cc: All Counsel of Record  
*Via CM/ECF Electronic Mail*